UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:22-cv-121-RJC

3:22-cv-121-KJC (3:09-cr-229-RJC-DCK-1)

MICHAEL GENE TERRELONGE,)	
Petitioner,)	
vs.	ORDE	R
UNITED STATES OF AMERICA,)	
Respondent.)	
)	

THIS MATTER is before the Court *sua sponte*.

Petitioner filed the instant *pro se* Motion to Vacate pursuant to 28 U.S.C. § 2255, his third such petition, challenging his conviction and sentence the underlying criminal case. (Doc. No. 1). A search of PACER reveals that he simultaneously filed in the Fourth Circuit Court of Appeals a Motion Under 28 U.S.C. § 2244 for Order Authorizing District Court to Consider Second or Successive Application for Relief Under 28 U.S.S. §§ 2254 or 2255, Case No. 22-140.

The Court will place the instant case in abeyance pending the Fourth Circuit's resolution of the § 2244 Motion. Petitioner must file a written Notice in this Court within 30 days of the Fourth Circuit's resolution of Case No. 22-140. Petitioner's failure to timely comply may result in this case's dismissal for lack of prosecution.

IT IS HEREBY ORDERED that:

- 1. This matter is placed in **ABEYANCE** pending the Fourth Circuit Court of Appeals' resolution of Case No. 22-140.
- 2. Petitioner shall notify the Court, within 30 days, of the Fourth Circuit's resolution of Case No. 22-140. Petitioner's failure to timely comply may result in this case's

dismissal for lack of prosecution.

Signed: March 23, 2022

Robert J. Conrad, Jr.

United States District Judge